Sarbanes	Smith	Stabenow
Schumer	Specter	Sununu

NOT VOTING—9

Alexander	Enzi	Lugar
Corzine	Hagel	Santorum
Domenici	Inouye	Thomas

The amendment (No. 2516) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I do not intend to call for a vote on my amendment at this time. We can proceed to the next item on the unanimous consent request.

Mr. WARNER. For clarification, does the Senator formally withdraw his amendment?

Mr. BINGAMAN. That is correct. I will not offer the amendment at this time so we can proceed to the remainder of the votes that are scheduled.

Mr. KENNEDY. Parliamentary inquiry: The Senator is not withdrawing his amendment permanently. Are you withdrawing your amendment permanently?

Mr. BINGAMAN. Mr. President, as I understand the unanimous consent agreement we have entered into, it is still possible to file second-degree amendments and to propose second-degree amendments to the Graham amendment even after we take the series of votes that are scheduled tonight. And it is not my intent to go to a vote on my amendment at this time so we can proceed to the remainder of the votes.

Mr. KENNEDY. I thank the Senator.

Mr. WARNER. Regular order. Has the Chair ruled on his request to withdraw the amendment?

The PRESIDING OFFICER. The amendment was never offered.

Mr. WARNER. I thank the Chair for the clarification.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. We now move to the conference report to accompany the foreign operations bill, H.R. 3057.

Is there further debate? If not, the question is on agreeing to the conference report.

Mr. WARNER. I understand the leadership requests the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Parliamentary inquiry: What is the order for debate entered into on this conference report?

The PRESIDING OFFICER. Two minutes of debate equally divided.

Mr. LEAHY. Mr. President, I see the senior Senator from Kentucky. I praise him and his staff.

Mr. MCCONNELL. I yield back our time.

The PRESIDING OFFICER (Mr. CHAFEE). All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—91

Akaka	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Cantwell	Isakson	Sessions
Carper	Jeffords	Shelby
Chafee	Johnson	Smith
Chambliss	Kennedy	Snowe
Clinton	Kerry	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Lautenberg	Talent
Conrad	Leahy	Thune
Cornyn	Levin	Vitter
Craig	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dayton	Lott	Wyden
DeMint	Martinez	
DeWine	McCain	

NOT VOTING—9

Alexander	Enzi	Lugar
Corzine	Hagel	Santorum
Domenici	Inouye	Thomas

The conference report was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the only remaining first-degree amendments to the Defense bill, other than any further managers' amendments that are cleared, be an amendment offered by the majority leader or his designee on Iraq, and an amendment offered by the Democratic leader or his designee on Iraq, and that they be laid down this evening with no second degrees in order. I further ask unanimous consent that there be 3 second degrees in order to the Graham amendment, two offered by Senator LEVIN or his designee, and one offered by Senator GRAHAM. I further ask consent that all amendments be offered and debated on Monday, under the previous limitations, and that on Tuesday, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to a vote in relation to the majority amendment on Iraq, to be followed by a vote in relation to the Democratic amendment, to be followed by votes in relation to the second degree amendments in order offered, to be followed by a vote on the underlying Graham amendment, as amended; and that following these votes the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; finally, that there be 30 minutes equally divided between the two managers prior to the start of the votes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I surely will not, is it my understanding that we had agreed that there would be some brief time period on Tuesday, prior to the votes on the Iraq amendments, I believe it was like 20 minutes?

Mr. FRIST. Mr. President, just for the information of our colleagues, there will be 30 minutes equally divided between the two managers prior to the start of the votes.

Mr. LEVIN. With that clarification, I am very content.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I thank the distinguished majority leader and the Democratic leader and all others who made possible that we will now have a Defense authorization bill, a strong bill, a good bill. The UC just propounded by the distinguished majority leader requires that the Iraq amendments be laid down tonight.

AMENDMENT NO. 2518

On behalf of the distinguished majority leader and myself, I now send to the desk the Iraq amendment as required by the UC. My understanding is the amendment by the distinguished Senator from Michigan on Iraq is at the desk; is that correct?

Mr. LEVIN. I was going to send that up immediately after the Senator sends up his amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. FRIST proposes an amendment numbered 2518.

The amendment is as follows:

(Purpose: To clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq)

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq any longer than required and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include to the extent practicable the following unclassified information:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counterinsurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2519

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator BIDEN, Senator HARRY REID, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. BIDEN, Mr. REID, Mr. DODD, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mr. REED, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. OBAMA and Mrs. BOXER proposes an amendment numbered 2519.

The amendment is as follows:

(Purpose: To clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq)

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq indefinitely and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include the following:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counterinsurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to

independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

(7) A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

Mr. WARNER. Mr. President, by way of preliminary debate on the Iraq amendment, I would simply advise my distinguished colleague from Michigan and other Senators that we were given, in a timely manner, the amendment that has just been sent to the desk by the Senator from Michigan, known as the leadership Iraq amendment. Senator FRIST, I, and others have simply taken that amendment and amended it in several ways, and that then becomes the Warner-Frist amendment.

So I just inform colleagues, basically, we are dealing with the basic amendment as provided by the Senator from Michigan, the distinguished Senator from Nevada, and others. We have modified our leadership amendment in a manner which we think is consistent with the strong needs of our country to achieve the objectives that we have in Iraq.

Having said that, I think we have pretty well concluded business for the day on this bill.

Mr. LEVIN. If the Senator will yield, Mr. President, I agree with the description which my dear friend from Virginia has provided, that I did provide him with our amendment. Even though our amendment has a later number, it was the amendment which was first provided. The Senator from Virginia, after consultation with his leader and others, has made some modifications in our amendment and that amendment, under the unanimous consent agreement which will be voted on first, is the amendment basically that we drafted over here with the modifications made by the Senator from Virginia and others. So that is the chronology, that is the history, and that is the order we will be voting on and will be debating these on Monday under the unanimous consent agreement.

There are some differences. I would not describe them as major differences but, nonetheless, there are some differences that now exist between the two versions, and we can debate which is the preferable version. But in any event, under either version, it strikes me that there is clearly a call here for some changes in course in policy in Iraq. But that again is something we can debate further on Monday.

Mr. WARNER. Mr. President, I thank my colleague. I do believe it is very wise for the Senate to have this debate. We are prepared for that debate.

I would simply advise colleagues—and the leadership later will in wrap-up give more specifics—my understanding is there will be a vote at 5:30, preceded by 1 hour of debate on that vote, which is on one of the appropriations bills. That is my understanding. Can the Presiding Officer advise me as to what the vote is that is scheduled on Monday at 5:30?

I am advised it is the Energy and Water Conference Report. Am I reasonably correct in preliminarily informing the Senate that vote will take place at about 5:30, and the 1 hour prior to it will be reserved for debate on that? I interpret that to mean that from the time the Senate comes in on Monday up until 4:30, that would be available for the important debate on the respective Iraqi amendments.

Mr. LEVIN. If the Senator will yield, also I believe the debate on the second-degree amendments to the Graham amendment would occur on Monday since the only time on Tuesday prior to votes on the amendments would be 30 minutes equally divided and that would be needed, perhaps, for both second degrees to Graham and the Iraqi amendments, all wrapped into that 30 minutes.

There may be and I think there probably would be debate on Monday on the second-degree amendments, referred to in this unanimous consent agreement, to the Graham amendment.

Mr. WARNER. I wonder if the distinguished Senator from Michigan and I can visit here for 1 minute.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. The Senator from Michigan and I desire to accommodate colleagues. Again, the hour from 4:30 to 5:30 is on the appropriations bill. The time from whenever the Senate convenes on Monday up until 4:30 is subject to debate on the Iraqi amendments; indeed, if Senators want to comment on the bill and such amendments as may be filed in connection with the Graham issues.

I think we would urge our colleagues to try to contact our respective offices as to their needs for time to vote on these matters so the Senator from Michigan and I can try to accommodate them. But I also wish to remind colleagues that presumably the vote on the appropriations bill starts at 5:30, and by all measures should be completed sometime after 6. Then, subject to leadership, I would think there would be time that evening, Monday evening, to continue votes for those Senators whose travel plans otherwise do not enable them to get here before 4:30. So the same framework for debate that can take place prior to 4:30 can take place after 6:30.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if the Senator will yield, I agree with his comments and I reinforce the importance of our colleagues notifying our offices and our cloakrooms if they desire to have time to speak on Monday afternoon so we can schedule that time. It would be very helpful for us to be so informed as early as possible on Monday. I want to reiterate there are two groups of amendments we are talking about here that will need to be debated Monday. One is the Iraqi amendment. The other one is the second-degree amendments to the Graham amendment. We are going to have to fit all that in on Monday afternoon, and possibly, as the Senator from Virginia mentions, after the vote on Monday. So it is important that our colleagues let us, our offices and our cloakrooms, know on Monday morning if they want time on either or both of those subjects. We will try to work the best we can and protect everybody's opportunity to speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I pause momentarily.

Mr. President, I think our respective staffs can incorporate in the wrap-up document such that the Senator from Michigan and I will share equally the time before 4:30, after leadership, and in that way be able to work more effectively with our colleagues.

Mr. LEVIN. That is fine.

Mr. WARNER. Mr. President, I again thank all Senators. I thank our staff. I thank the professional staff of the Senate, who in many ways have made possible the completion of this bill. We are owing a debt of gratitude to many to get where we are.

Mr. LEVIN. We are almost there. We are going to be there on Monday. We thought we would be there tonight, but we will on Monday.

Mr. WARNER. In a way we are. We have charted the course.

Mr. LEVIN. Fixed stars.

AMENDMENT NO. 2485, AS MODIFIED

Mr. WARNER. Mr. President, I say to my colleague, we have some cleared amendments we can do.

Mr. President, I ask unanimous consent the previously agreed-to amendment 2485 be modified with a technical correction. I send that modification to the desk. I understand it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2485), as modified, is as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the ''Council''), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.
(9) The Director of the Office of Personnel Management.
(10) The Director of the Office of Management and Budget.
(11) The Secretary of Commerce.
(12) The Secretary of Health and Human Services.
(13) The Secretary of the Treasury.
(14) The Secretary of Housing and Urban Development.
(15) The Secretary of Agriculture.
(16) The Chairman and President of the Export-Import Bank of the United States.
(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—
(1) IN GENERAL.—The Council shall be charged with—
(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—
(i) State and local government agencies;
(ii) academic sector institutions;
(iii) foreign language related interest groups;
(iv) business associations;
(v) industry;
(vi) heritage associations; and
(vii) other relevant stakeholders;
(B) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and
(C) monitoring the implementation of such strategy through—
(i) application of current and recently enacted laws; and
(ii) the promulgation and enforcement of rules and regulations.
(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—
(A) identification of crucial priorities across all sectors;
(B) identification and evaluation of Federal foreign language programs and activities, including—
(i) any duplicative or overlapping programs that may impede efficiency;
(ii) recommendations on coordination;
(iii) program enhancements; and
(iv) allocation of resources so as to maximize use of resources;
(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;
(D) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—
(i) Federal, State, and local leaders;
(ii) students;
(iii) parents;
(iv) elementary, secondary, and postsecondary educational institutions; and
(v) employers;
(E) recommendations for incentives for related educational programs, including foreign language teacher training;
(F) coordination of cross-sector efforts, including public-private partnerships;
(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;
(H) recommendations for assistance for—
(i) the development of foreign language achievement standards; and
(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;
(I) recommendations for development of—
(i) language skill-level certification standards;
(ii) frameworks for pre-service and professional development study for those who teach foreign language;
(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—
(I) international business;
(II) national security;
(III) public administration;
(IV) health care;
(V) engineering;
(VI) law;
(VII) journalism; and
(VIII) sciences;
(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and
(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—
(1) IN GENERAL.—The Director may—
(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and
(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.
(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege
(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.
(5) SECURITY CLEARANCE.—
(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.
(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.
(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—
(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.
(2) INFORMATION.—
(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.
(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.
(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.
(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—
(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;
(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and
(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—
(1) the activities of the Council;
(2) the efforts of the Council to improve foreign language education and training; and
(3) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—
(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.
(2) RESPONSIBILITIES.—The National Language Director shall—
(A) develop and monitor the implementation of a national foreign language strategy across all sectors;
(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and
(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign

languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

AMENDMENT NO. 1550, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask the previously agreed-to amendment 1550 be modified and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1550) as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) ESTABLISHMENT.—The Secretary of Defense (referred to in this section as the ''Secretary''), through the National Security Education Program, shall conduct a 3-year pilot project to establish the Civilian Linguist Reserve Corps, which shall be composed of United States citizens with advanced levels of proficiency in foreign languages who would be available, upon request from the President, to perform any services or duties with respect to such foreign languages in the Federal Government as the President may require.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages that are critical for the national security of the United States and the relative priority of each such language;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for calling for the performance of the services and duties referred to in subsection (a); and

(4) implement a call for the performance of such services and duties.

(c) CONTRACT AUTHORITY.—In establishing the Civilian Linguist Reserve Corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot project, the Secretary shall conduct a study of the best practices in implementing the Civilian Linguist Reserve Corps, including—

(1) administrative structure;

(2) languages to be offered;

(3) number of language specialists needed for each language;

(4) Federal agencies who may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 3-year period beginning on such date of enactment, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report required under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of the Civilian Linguist Reserve Corps.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,100,000 for fiscal year 2006 to carry out the pilot project under this section.

(g) OFFSET—The amounts authorized to be appropriated by section 301(4) are hereby reduced by $3,100,000 from operation and maintenance, Air Force.

Mr. LEVIN. I understand this also is technical?

Mr. WARNER. That is correct. It was cleared on both sides. Has the vote been taken?

The PRESIDING OFFICER. Consent has been granted.

Mr. DURBIN. Mr. President, noting that tomorrow is Veterans Day, I rise to discuss an amendment which will make it clear that returning combat veterans of the National Guard and Reserve will receive the same consideration as other combat veterans when applying for a Federal job.

I am offering this bipartisan amendment along with Senators VITTER, CHAMBLISS, WYDEN, LANDRIEU, SCHUMER, CLINTON and DAYTON.

Since the time of the Civil War, veterans of the Armed Services have been given some degree of preference in the consideration process for employment with the Federal Government. This usually takes the form of an additional 5 points added to the score received by a veteran on the test they must take to qualify for the job. If the veteran is disabled, he or she receives an additional 5 points for a total of 10 added points. This program is known as ''Veterans Preference.''

The way the law reads now, veterans applying for a Federal job can receive preferential consideration if they served on active duty during a war in a campaign or expedition for which a campaign badge has been authorized and have been separated from the Armed Forces under honorable conditions.

Unfortunately, the term ''separated'' is not defined in the Veterans Preference law and this lack of clarity has had the practical effect of causing some veterans, who saw combat as mobilized members of the Guard or Reserve, to be denied the veterans preference they had earned.

That is exactly what happened to an Army reservist from my own State of Illinois.

Earlier this year, I was contacted by a young woman serving in the Army Reserve as a military police officer. Her name is Kylene Conlon. Since 9/11, Kylene has been mobilized twice. The first time she spent nearly a year in Guantanamo Bay, Cuba. The second time she spent a full year in Iraq.

Upon her return she learned that the United States Marshals Service was hiring. When she requested an application, she was informed that the hiring program was open only to those eligible for Veterans Preference. She provided copies of her two different Department of Defense forms verifying her overseas service over two major mobilizations, yet she was told that that was not good enough for veterans preference. She was told that she had to have a discharge. But Kylene did not have a discharge certificate, which she would receive after ending military service because she had not quit the Army Reserve. She had come home from Iraq and gone back to attending weekend drills and annual training periods. She had two Department of Defense forms 214 which stated that her type of separation was a ''release from active duty.'' To be given a discharge certificate, Kylene would have to quit the Army Reserve.

She was stunned. She could not believe that the Federal Government would require her to quit the Army Reserve before being able to receive the veterans preference she had earned. So, she came to my office for help.

I sent a letter to the Marshals Service in the Department of Justice to ask why Kylene Conlon was being denied veterans preference.

They wrote back. Here is what their letter said:

> The Office of Personnel Management (OPM) administers the veterans preference program for the Federal Government in accordance with statute and regulation. Unfortunately, service as a member of the Army Reserve does not qualify for veterans preference. The OPM VetGuide states ''to receive preference, a veteran must have been separated from active duty in the Armed Forces with an honorable discharge.'' Ms. Conlon has not been discharged from the Army.

Every word of that letter was 100 percent true. OPM administers the program according to the law. OPM's guide requires a discharge. Reservists completing a mobilization and returning to part-time status don't receive discharges. Therefore, reservists were being deemed ineligible for Veterans Preference.

I knew right then that the law had to be changed.

My staff checked into this and found that it was that vague word ''separated'' in the current Veterans Preference law that was the problem. Somebody could read that word and assume it means only ''discharged'' and so they had.

That was not Congress's intent. Elsewhere in Federal law, rather than the term ''separated,'' one finds the phrase ''discharged or released.'' That's a better phrase. It covers both those who end full-time, active duty service completely with an honorable discharge as well as reservists who are released after a tour of active duty and go back to reserve duty. Troops leaving the military altogether are given a discharge. Reservists who are simply ending a period of active duty and reverting to their previous part-time reservist status are given a release from active duty.

The measure which I introduce today clarifies title 5 by replacing the vague term ''separated'' with the clearer and more precise phrase ''discharged or released.'' While this may seem a small change in wording, it will have an important effect. It will make it absolutely clear that a member of the National Guard or Reserve who serves honorably in a war, campaign or expedition for which a campaign medal has been authorized can receive full access to veterans preference in Federal hiring. We want these honorable veterans to receive this preference without any pressure or incentive whatsoever to terminate their valuable service in the reserve components of our Armed Forces.

This change in the law is merely a clarification to avoid future errors of interpretation as have occurred in the past. It will have no effect on previous grants of veterans preference and it will in no way limit or reduce future considerations for veterans preference eligibility.

The measure is endorsed by the Reserve Officers Association. I am very grateful to the managers of the Defense authorization bill for agreeing to accept this measure as an amendment. It is important and timely legislation as we approach Veterans Day and honor all those who serve our Nation in uniform.

Mr. KENNEDY. I support the extension of the Defense Department's program ensuring that its Federal contracting process in no way supports or subsidizes the discrimination that has long been a problem in the contracting business. The extension of the program through September 2009 is needed to help achieve that goal.

The Senate Armed Services Committee has learned a great deal about the effects of discrimination in denying contracting opportunities for minority-owned businesses. The ugly reality is that contracting has long been dominated by ''old-boy'' networks that make it very difficult for African Americans, Latinos, Asians, and Native Americans to participate fairly in these opportunities, or even obtain information about them.

Years of congressional hearings have shown that minorities historically have been excluded from both public and private construction contracts in general, and from Federal defense contracts in particular. Since its adoption, the Defense Department program, called the 1207 Program, has helped level the playing field for minority contractors. But there is still more to do, as the additional information we have received since the program was last reauthorized makes clear.

Ever since the program was first adopted in 1986, racial and ethnic discrimination—both overt and subtle—have continued to erect significant barriers to minority participation in Federal contracting. In some cases, overt discrimination has prevented minority-owned businesses from obtaining needed loans and bonds. Prime contractors, unions, and suppliers of goods and materials have preferred to do business with White contractors rather than with minority firms.

We have seen repeated reports of bid-shopping and of minority businesses being denied contracts despite submitting the lowest bid.

The Department's decision to award a growing number of defense contracts noncompetitively has had the unfortunate effect of excluding minority-owned businesses from a significant number of contracting opportunities. No-bid contracts also hurt White-owned businesses, but they disadvantage minority-owned firms in particular.

These problems affect a wide variety of areas in which the Department offers contracts, and the problems are detailed in many recent disparity studies, including:

City of Dallas Availability and Disparity Study, Mason Tillman Associates, Ltd. (2002); City of Cincinnati Disparity Study, Griffin & Strong, P.C. (2002); Ohio Multi-Jurisdictional Disparity Studies, Mason Tillman Associates, Ltd. (2003); Procurement Disparity Study of the Commonwealth of Virginia, MGT of America, Inc. (2004); Alameda County Availability Study, Mason Tillman Associates (2004); City of New York Disparity Study, Mason Tillman Associates, Ltd. (2005).

We are also mindful that the data contained in the Department of Commerce benchmark study supports the need for efforts to improve contracting opportunities for minority-owned businesses.

The 1207 Program helps to correct these problems of discrimination without imposing an undue burden on White-owned businesses. Small businesses owned by White contractors are eligible to receive the benefits of the program if they are socially or economically disadvantaged.

All of us benefit when recipients of Federal opportunities reflect America's diversity, and I am proud to support the reauthorization of the 1207 Program.

Mr. ROBERTS. Mr. President, I thank my friend and colleague Chairman CRAIG, for offering this amendment to correct current law, which permits capital offenders to be buried in a national cemetery with full military funeral honors. I am pleased to be an original cosponsor of this amendment, which would deny capital offenders a hero's funeral.

I believe that the congressional intent was crystal clear on this issue when Congress passed two laws denying capital offenders eligibility for burial in a national cemetery and certain funeral benefits in 1997 and 2002. However, a loophole remains and is vulnerable to misapplication. It is unfortunate that it took the mistaken internment of double murderer Russell Wayne Wagner in Arlington National Cemetery earlier this summer to shed light on this egregious loophole.

I commend Chairman CRAIG's immediate response to this oversight by quickly convening a hearing to study how big this loophole really is. According to a study of the law conducted by the Congressional Research Service, CRS, because Wagner's double life sentences carried the possibility of parole, he was technically eligible for burial in a national cemetery. Upon further study, it was determined that this same parole loophole also would apply to Dennis Rader, the serial killer who terrorized Kansans for over three decades.

In Kansas, we take honoring those who made the ultimate sacrifice very seriously. Entire towns make their way in the funeral procession of the hometown hero to pay their respects and say a quiet prayer as he or she is laid to rest. This respect was recently demonstrated in South Haven, KS, as the community gathered en mass to honor Sgt. Evan Parker, who died of wounds from a bomb attack during Operation Iraqi Freedom. Neighbors and fellow members of the community poured out their front doors to silently watch the funeral procession and 150 members of the American Legion convened to erect a barrier to block protesters from interrupting the mourners. This is what small town America does to honor those who gave all.

It is unconscionable that Dennis Rader, BTK for short, as he referred to himself, who brutally bound, tortured, and killed 10 innocent victims would be granted a hero's funeral. A criminal who is facing 10 life sentences and no less than 175 years of prison could be honored among our Nation's heros under the law as it stands today because his sentence included the phrase ''with parole.'' The idea that the brave men and women of our Nation's military forces like SGT Evan Parker could be memorialized and laid to rest in the same sacred ground as the BTK Killer is outrageous and simply wrong.

If current law cannot prevent this brutal murderer from internment in a national cemetery or with military funeral honors, then the law needs to be fixed. This amendment closes the parole loophole by tying eligibility for

burial in a national cemetery and military funeral honors to the underlying action of the capital offender rather than to the sentence, which can vary from State to State.

I understand that Chairman WARNER and Ranking Member LEVIN are including this amendment as a part of a broader manager's amendment. I appreciate the inclusion of this important legislation that ultimately protects the honor and memory of our Nation's heros and the hallowed ground in which they rest.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my concern over apparent discrepancies between the administration's rhetoric with respect to our treatment of detainees, and the clear reality of the situation.

We all agree, I hope, that individuals in the custody of the United States must be treated humanely. We certainly agree that under no circumstances must American military and government personnel engage in torture. That is why we ratified the United Nations Convention Against Torture in 1994.

And that is why Senator MCCAIN's provision prohibiting the use of ''cruel, inhuman, or degrading treatment'', and adopting the Army Field Manual as the standard for interrogation procedures passed the Senate as part of the Defense appropriations bill by a 90 to 9 vote on October 5. It was also unanimously adopted to be included in this Defense authorization bill.

Senator MCCAIN's amendment simply makes it clear that the Convention Against Torture applies without geographical limitation.

It states that conduct that is unacceptable on U.S. soil is also unacceptable in Guantanamo Bay, in Abu Ghraib, or anywhere else the United States government may be holding detainees.

President Bush has repeatedly stated that captives are to be treated humanely, and just this week he reiterated his policy that:

> In this effort, any activity we conduct, is within the law. We don't torture.

And yet, the administration, led by Vice President CHENEY, has been making a great effort to lobby Members of Congress to alter the McCain provision by exempting the CIA and members of the intelligence community from its prohibition on torture.

According to Human Rights Watch, the language he circulated on October 20th proposes that:

''Subsection (a)''—that is, the prohibition against cruel, inhuman or degrading treatment or punishment—''shall not apply with respect to clandestine counterterrorism operations conducted abroad, with respect to terrorists who are not citizens of the United States, that are carried out by and element of the United States Government other than the Department of Defense and are consistent with the Constitution and laws of the United States and treaties to which the United States is a party, if the President determines that such operations are vital to the protection of the United States or its citizens from terrorist attack.''

Why? The President has stated that it is not his policy to torture. We all know the catastrophic effects that even the appearance of impropriety in this area has on the image of the United States abroad. We know the irreparable harm that reports of abuse and secret detention centers do to our war effort. And, we know that torture does not produce good and effective intelligence. So why fuel that fire by enacting a specific exemption to our long-standing policy of humane treatment?

Earlier this month, the Washington Post reported that the CIA has been ''hiding and interrogating'' its most valuable prisoners at so-called ''black sites'' at several locations in Eastern Europe and Asia.

If this is true, it would allow the intelligence community to engage in ''unconventional'' interrogation procedures at secret locations outside of Congressional oversight or military directives on the treatment of prisoners.

Earlier this week, I wrote a letter to the chairman and vice chairman of the Senate Intelligence Committee requesting that the committee conduct hearings into these allegations that the CIA is holding prisoners in ''black sites'' around the world.

The Senate Intelligence Committee has jurisdiction over the entire intelligence community. And therefore, it is critical that it have access to all information and material related to these disturbing allegations.

Moreover, I believe that the committee must do a better job with its oversight responsibilities, particularly as they relate to detention, interrogation, and rendition activities by our intelligence agencies.

The fact is that our policy to date with respect to detainees has been confused, and that that confusion has led to disturbing allegations of abuse and even torture.

The Senate has already acted to clarify the rules by passing the McCain amendment. I have heard it argued that this will somehow ''tie the hands'' of the President in his prosecution of the war, but I strongly disagree.

In the first place, the President himself insists that detainees should be treated humanely. We are simply acting to codify his policy.

Secondly, the Constitution is perfectly clear with regard to the authority for regulating the United States military: that authority lies with the Congress.

Some claim that the Founding Fathers intended the executive branch to have a free hand in prosecuting this Nation's wars.

But their consideration and deliberation on this issue resulted in Article VII, Section 8 of the Constitution, which states that Congress shall have the power to ''make Rules concerning Captures on Land and Water,'' and also ''To make Rules for the Government and Regulation of the land and naval Forces.''

It is clear that this administration has been inconsistent and mistake-prone in regulating the Armed Forces with respect to the treatment of detainees.

There is the case of Captain Ian Fishback of the 82nd Airborne Division, who attempted for 17 months to determine what regulations were in force.

He determined that, years after President Bush had declared that all prisoners, regardless of their Geneva status, were to be treated ''humanely,'' the definition of what constituted humane treatment was still being left to individual commanders.

He reports:

> We've got people with different views of what ''humane'' means and there's no Army statement that says ''this is the standard for humane treatment for prisoners to Army officers.'' Army officers are left to come up with their own definition of humane treatment.

The results of this lapse are well documented. Even the Pentagon's own reports are highly critical:

The Taguba Report found ''numerous incidents of sadistic, blatant, and wanton criminal abuses,'' which the report described as ''systemic.''

Along the same lines, the Mikolashek Report examined 94 cases of confirmed abuse in Iraq and Afghanistan, and found that ''ambiguous guidance from command on the treatment of detainees'' was a contributing factor.

Further, the Fay-Jones Report implicated 35 soldiers, including the top two military intelligence officers at Abu Ghraib prison, in 44 cases of abuse.

So the problem goes far beyond a ''few, isolated bad apples.'' Decent, hardworking American soldiers simply do not know how they may or may not treat their captives.

I note that on Tuesday, the Department of Defense released a new directive banning the use of unmuzzled dogs in interrogations, or to harass or intimidate prisoners. I welcome this directive, but it is too little, too late. The ban comes after dozens of confirmed reports of soldiers using dogs to intimidate inmates of Abu Ghraib, and it is limited in scope and details.

The McCain amendment would give a clear baseline standard of human rights, which all Americans will always recognize—the rights which our Founders believed were inalienable rights; the rights they chose to enshrine in our Constitution.

It is not for the Vice President, or anyone else for that matter, to circumvent those rights in the name of fighting terrorism.

This week the White House Press Secretary, Scott McClellan, tried to justify the exemption, saying, ''You're talking about people like Khalid Shaykh Muhammad; people like Abu Zubaydah.''

I agree that these are terrible men, but we must also consider men like Mr.

Dilawar, an innocent taxi driver who was beaten to death in Afghanistan.

We are talking about thousands of innocent Iraqis rounded up in sweeping neighborhood raids and systematically abused.

And we are talking about their friends and families, and an entire generation of young people around the world who are watching and judging the actions of the United States.

If we fail, in their eyes, to live up to our ideals, if the promise of America is reduced to self-serving hypocrisy, then I fear we will breed more terrorists than we can ever stop.

In fact, the scale of the problem is such that the narrowly-focused Pentagon reports do not provide us an adequate picture.

In conclusion, let me state this—it is essential that we answer these three fundamental questions:

Is our current policy legal?

Is it moral?

And does it work?

From my work on this issue in the Judiciary Committee and Intelligence Committee, I fear the answer to all three is ''No.''

I believe that Congress did not intend to permit torture abroad when it ratified the Convention Against Torture. The overwhelming support enjoyed by Mr. MCCAIN's amendment is evidence of that.

Furthermore, I do not believe that violating fundamental human rights is ever justified.

There are some absolutes in this world, and some activities that the United States simply cannot condone.

I am convinced that our detainee policy has been a costly failure. Far from making us safer, the aggressive interrogation of terror suspects has served to breed more terrorists, and to make us more vulnerable to attack.

Should Congress refuse to statutorily codify the legal and humane treatment of prisoners, we risk endangering those Americans who become prisoners themselves.

We must set an honorable example for the entire international community; to do otherwise would be a betrayal of the values we hold dear.

American values, such as the humane treatment of detainees, are truly at the very core of this debate.

We must not fail—America's future will rest on it.

AMENDMENT NO. 2519

Mr. President, I rise today in support of an amendment introduced by Senator LEVIN and several colleagues that formulates our military strategy and foreign policy in Iraq.

We need clear, defined benchmarks that lay out how and when we can begin a structured downsizing of the 160,000 Americans currently serving in Iraq.

Increasingly, Americans are demanding answers about how we intend to transition sovereign control of Iraq to the newly elected government.

If we do not heed the call of the American people, popular support for this war will continue to wane.

We must have a well-reasoned approach that will allow our Armed Forces to remove themselves from the constant crossfire between Sunnis and Shia.

As we look forward, I believe the parliamentary election on Dec. 15 represents one such opportunity.

For the first time in history, the Iraqi people will have democratically elected their permanent leaders to serve full 4-year terms. Their constitution, problematic as it may be, has been adopted, and it is time for Iraqis to take greater control.

A growing perception is that U.S. military forces buttress the Shiites. As a result, we pay a high cost, in lives lost and casualties.

We need to change course to remove ourselves from being the literal and figurative target of Sunni enmity.

Frankly, this battle cannot be won militarily by American forces.

A structured downsizing of our presence in Iraq will not only take our service men and women out of harm's way, but it will also force Iraq's religious and political leaders to confront the insurgency and find a balance of power acceptable to Shiites, Sunnis, and Kurds.

The first and primary impetus for transitioning our forces will be a better trained Iraqi Security Force.

Ultimately, the Iraqis will have to defend themselves and confront the insurgency, both militarily and politically. The question is when.

Training of the Iraqi Security Forces has been too slow, and the administration has been less than forthright about the capabilities of the Iraqi troops on the ground.

In the interim period ahead, U.S. forces may continue to have a significant role to play, especially in the areas of training and rebuilding infrastructure. But this requires a change of focus for American troops from leading combat missions to buttressing and backing Iraqis as they seek to quell the insurgency and growing violence.

For starters, we need to increase the number of U.S. military personnel providing initial training to the Iraqi forces from the current 1,200. This number is frankly inadequate, and raises questions about our military's priorities in Iraq.

This does not necessarily mean that all Iraqi forces will be trained to the level of U.S. forces—that is unlikely—but the real benchmark is for Iraqi units to have a basic level of training and equipment to safeguard their towns, cities and communities.

The Pentagon recently estimated that an additional 125,000 Iraqi security personnel will be needed to bring total endstrength to 325,000.

If it is going to take a force of 325,000 Iraqis, then it is incumbent upon the U.S. military to prioritize this training and put enhanced efforts into recruiting qualified individuals to serve.

It is only fair to our service men and women, and to their families, if we put every effort into properly training Iraqis so that American troops can come home as soon as possible.

America needs to change course, reassess its mission in light of this escalating insurgency, place more responsibility on Iraq for a negotiated settlement, and begin a structured drawdown of American forces.

This structured drawdown must come in the form of a consistent, planned strategy. This amendment uses the word ''redeployment,'' which I frankly believe is confusing.

Our military leaders must establish a framework for a careful, cautious removal of our troops from Iraq, in conjunction with the rising number of trained Iraqis.

This might mean the removal of 10,000 American troops for every 20,000 trained Iraqis, or a similar but concrete formula.

Certainly, we should prioritize what troops are most needed in the training process and begin to drawdown our endstrength in other areas.

This amendment rightly requires the President to report regularly on American policy in regards to Iraq and our military operations there.

The administration needs to define and lay out an endgame.

The Levin provision ensures that Congress will be receiving regular updates on the administration's strategy in Iraq, and as it must be unclassified, will provide the American people the opportunity to see whether there truly is a plan for success.

Again, I believe it is time to reevaluate our policy and strategies in Iraq.

We have lost over 2,000 American troops, and tens of thousands of Iraqis have died.

Americans are tired of hearing daily about the chaos and violence that has beset Iraq. With American soldiers and scores of Iraqi civilians dying every day, there has to be a better course.

In my view, it is clear that now is the time to consider a comprehensive plan for the structured downsizing of our mission, while we greatly increase the emphasis on training Iraqis to protect themselves.

Mr. ROCKEFELLER. Mr. President, today, I want to commend my colleagues on the Armed Services Committee for taking a step forward to help our soldiers who are wounded, and removed from the combat zone for medical treatment.

Under current law, when soldiers are removed from a combat zone, even if it is for a severe wound, they lose all of their special duty pay, which for some enlisted soldiers can reduce their pay by half. It does not seem right to cut a soldier's pay at the time of an injury when that soldier and his family will face personal and financial hardships. For example, if a young soldier is sent to Walter Reed Hospital to recover, it is often important to have family nearby to assist in recovery. But that often means a young wife or husband must leave their home and job to help the

wounded soldier. They may face new temporary housing costs or added expenses just to live nearby and support in the soldier's recovery.

Thanks to action in our Armed Services Committee, there is a provision to continue some of the specialty pays for imminent danger for our wounded soldiers as long as they are in the hospital. The House Defense authorization includes a similar provision that creates a new pay provision specifically for rehabilitation from combat-related injuries.

I support such provisions, and in fact, I introduced S. 461, the Crosby-Puller Combat Wounds Compensation Act, to maintain full pay for soldiers during recovery. I was proud to have Senators KENNEDY, CLINTON, and SALAZAR as cosponsors.

My commitment to this legislation was based on hearing the plight of wounded soldiers. My West Virginia caseworkers have heard from many soldiers and families who are struggling. While everyone is tragically aware of the more than 2,000 soldiers, including 15 West Virginians, who have lost their lives, we do not hear as much about our wounded soldiers.

Current estimates are that 16,220 soldiers have been wounded in Iraq and Afghanistan, and 104 are West Virginians. Thanks to better medical care and better equipment, when it is available, our soldiers are surviving devastating attacks, but too often at high costs including the loss of limbs. Such soldiers face long recoveries, and they need their families nearby to support them. But there are extra costs for families at this time, and we should not be substantially reducing the pay of our wounded heroes.

As the conference committee is appointed and we begin the hard work of resolving the differences between these two bills, I hope that we will keep in mind the struggles and financial hardships of our wounded soldiers and their families. We need to provide them with adequate pay in honor of their distinguished service.

MORNING BUSINESS

TRIBUTE TO MR. HENRY OSCAR WHITLOW

Mr. MCCONNELL. Mr. President, I today honor the life of a prominent Kentuckian, Mr. Henry Oscar Whitlow, and to pay tribute to the numerous contributions he made to his community and to the Commonwealth of Kentucky.

A native of Ballard County, KY, Mr. Whitlow spent his professional life practicing law in Paducah. In addition to being a respected attorney, he was also an active member of the Broadway United Methodist Church, and served as President of the Paducah Area Chamber of Commerce, the Paducah Jaycees, and the Paducah Rotary Club.

People like Henry Whitlow are what make Kentucky such a special place. I extend my condolences to his wife of 55 years, Elizabeth Ann Clement Whitlow, his son Mark Whitlow, his daughter Rebecca Gutherie, and all those that mourn the passing of this great man.

Earlier this week the Paducah Sun marked the passing of this community icon in a piece titled, ''Whitlow remembered for community contributions.'' I ask that the full article be printed in the RECORD and that the entire Senate join me in paying our respect to this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Nov. 8, 2005]

WHITLOW REMEMBERED FOR COMMUNITY CONTRIBUTIONS

(By Bill Bartleman)

Henry Oscar Whitlow was remembered Monday as soft-spoken and unassuming, but strong and powerful in his contribution to the community and the legal profession.

Whitlow, 91, died at 5:42 a.m. Monday at Lourdes hospital. His son, Mark Whitlow, said he had suffered from Alzheimer's and had been in a nursing home since last year.

Visitation will be held at the Milner and Orr Funeral Home of Paducah from 4 to 7 p.m. Thursday. Services will be at Broadway United Methodist Church in Paducah at 1:30 p.m. Friday followed by burial in Mount Kenton Cemetery.

Whitlow, a native of Monkey's Eyebrow in Ballard County, began practicing law in Paducah in 1937 with the Waller and Threlkeld law firm. He eventually became a partner and the firm is now known as Whitlow Roberts Houston and Straub. It is one of Paducah's largest and most prestigious firms.

He was a member of Broadway United Methodist Church for almost 70 years and held every leadership position in the church. He also was a lay speaker and a Sunday School teacher.

He also was active in civic affairs and served as president of what is now the Paducah Area Chamber of Commerce, the Paducah Rotary Club, the Paducah Jaycees and many other organizations.

Senior U.S. District Judge Edward H. Johnstone described Whitlow as a leader with humility, a litigator with compassion and a scholar with the common touch.

''He was a great man,'' Johnstone said. ''The thing that distinguished him from present-day lawyers is that he built his reputation by what he did, not how much he advertised or blew his own horn. His work is what sold him to the public. He never sought glory or credit. He was unselfish and always a perfect gentleman.''

U.S. District Judge Thomas Russell said Whitlow had a profound effect on those around him. Russell was associated with Whitlow's firm for almost 25 years.

Without Whitlow as a mentor, Russell said he would have never risen to the federal judgeship. ''You can learn the practice of law from a lot of people, but he taught me what it takes to represent people—to feel their sorrow, their joys and their concerns.''

Whitlow served as the attorney for the Paducah Board of Education for more than 40 years. Bill Black Jr., a long-time board member, said Whitlow viewed his work with the board as public service. ''The fees he charged were not what he could get investing his time in other legal work,'' Black said.

He said Whitlow never tried to influence board decisions and only got involved when he thought the board was straying in the wrong legal direction.

''He listened very carefully and said very little,'' Black said. ''But when he did speak, we always knew it was our time to listen to his wisdom and take his advice.''

Black noted that Whitlow was the board attorney in 1956 when the city schools were integrated. He said Whitlow's legal advice undoubtedly played an important role in the successful and peaceful integration that had been mandated by the U.S. Supreme Court.

''Many schools in the South started integrating in the 1st grade and did it over 12 years,'' Black said. ''Paducah allowed any African American who wanted to attended a previously all-white school to do it in the first year.''

Away from the legal profession, Russell said Whitlow set an example of how a person should be a good citizen. In addition to being a church leader, Russell said Whitlow was active in the Boy Scouts, charitable work ''and was past president of the Rotary Club and every other civic organization that he belonged to. ''In all that he ever did, he didn't seek any kind of recognition.''

Mark Whitlow, also an attorney, said his father was an inspiration.

''We all love our fathers,'' Whitlow said. ''But he also was an outstanding mentor in terms of being a scholar of the law and in his love for the community and public service. He set a good example for all of us.''

Fred Paxton, chairman of the board of Paxton Media which owns the Paducah Sun, said Whitlow's slight frame and soft voice were deceiving.

''He was a very rugged individual and very, very strong,'' Paxton said. ''If you exchange a hand shake with him, you knew that. He also had a delightful sense of humor. It was very low key and subtle, but rich.''

In 1993 Whitlow was honored as the Kentucky Bar Association's ''Lawyer of the Year.''

He was humbled by the honor. ''It was like a bolt out of the blue,'' he told the Paducah Sun. ''I still don't know how the lightning happened to strike me. I am just an old country boy who came up in the Depression.''

In addition to his son, Whitlow is survived by his wife of 55 years, Elizabeth Ann Clement Whitlow; a daughter, Rebecca Gutherie of Maryland; a sister, Mildred Hughes of Tucson, Ariz., and two grandchildren.

TRIBUTE TO MR. EVERETT RAINS

Mr. MCCONNELL. Mr. President, I pay tribute to a great leader in public service, Mr. Everett Rains. Everett served as county clerk in Whitley County, KY, for 24 years. I first met him when I started my political career in Kentucky, more than two decades ago. Everett was known for his numerous acts of kindness and generosity. He inspired others to serve, including his own nephew Tom Rains, who succeeded him as Whitley County clerk.

Last month, Everett passed away at the age of 88. He spent his career serving the people of Whitley County, and will be missed by all who knew and loved him.

On October 26, 2005, The Williamsburg News Journal published an article highlighting Everett's contributions, caring nature, and strong character. I ask that the full article be printed in the RECORD and that the entire Senate join me in paying our respect to this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows: